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SENATE BILL 5017

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State of Washington                      57th Legislature                      2001 Regular Session

By Senators Franklin, Winsley and Regala

Read first time 01/08/2001. Referred to Committee on Judiciary.

1            AN ACT Relating to sale of precursor drugs; amending RCW 69.43.030  
2 and 69.43.070; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 69.43.030 and 1988 c 147 s 3 are each amended to read  
5 as follows:

6            RCW 69.43.010 and 69.43.020 do not apply to any of the following:

7            (1) Any pharmacist or other authorized person who sells or  
8 furnishes a substance upon the prescription of a practitioner, as  
9 defined in chapter 69.41 RCW;

10           (2) Any practitioner who administers or furnishes a substance to  
11 his or her patients;

12           (3) Any manufacturer or wholesaler licensed by the state board of  
13 pharmacy who sells, transfers, or otherwise furnishes a substance to a  
14 licensed pharmacy or practitioner;

15           (4)(a) Except as provided in (b) of this subsection, any sale,  
16 transfer, furnishing, or receipt of any drug that contains ephedrine,  
17 phenylpropanolamine, or pseudoephedrine, or of any cosmetic that  
18 contains a substance specified in RCW 69.43.010(1), if such drug or

1 cosmetic is lawfully sold, transferred, or furnished, over the counter  
2 without a prescription under chapter 69.04 or 69.41 RCW.

3 (b) RCW 69.43.010 and 69.43.020 shall apply to preparations in  
4 solid or liquid dosage form containing ephedrine, phenylpropanolamine,  
5 norpseudoephedrine, or pseudoephedrine when the individual transaction  
6 involves more than three packages or nine grams of ephedrine,  
7 phenylpropanolamine, norpseudoephedrine, or pseudoephedrine.

8 **Sec. 2.** RCW 69.43.070 and 1988 c 147 s 7 are each amended to read  
9 as follows:

10 (1) Any manufacturer, wholesaler, retailer, or other person who  
11 sells, transfers, or otherwise furnishes any substance listed in RCW  
12 69.43.010 with knowledge or the intent that the recipient will use the  
13 substance unlawfully to manufacture a controlled substance under  
14 chapter 69.50 RCW is guilty of a class B felony under chapter 9A.20  
15 RCW.

16 (2) Any person who receives any substance listed in RCW 69.43.010  
17 with intent to use the substance unlawfully to manufacture a controlled  
18 substance under chapter 69.50 RCW is guilty of a class B felony under  
19 chapter 9A.20 RCW.

20 (3) Any person who:

21 (a) Sells, transfers, or otherwise furnishes in a single  
22 transaction more than three packages of a product that he or she knows  
23 to contain ephedrine, pseudoephedrine, norpseudoephedrine, or  
24 phenylpropanolamine; or

25 (b) Sells, transfers, or otherwise furnishes a product that he or  
26 she knows to contain more than nine grams of ephedrine,  
27 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine  
28 is guilty of a class C felony under chapter 9A.20 RCW.

29 The three package per transaction limitation or nine gram per  
30 transaction limitation imposed by this subsection applies to any  
31 product that is lawfully sold, transferred, or furnished over the  
32 counter without a prescription pursuant to the federal food, drug, and  
33 cosmetic act (21 U.S.C. Sec. 301 et seq.), or regulations adopted  
34 thereunder, unless exempted from the requirements of the federal  
35 controlled substances act by the federal drug enforcement  
36 administration pursuant to 21 U.S.C. Sec. 814.

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